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November 14, 2022

**VIA ELECTRONIC FILING**

Hon. Loretta A. Preska  
United States District Court Judge  
Southern District of New York  
United States Courthouse  
500 Pearl Street, Room 2220  
New York, NY 10007

Re: CFPB and NYAG v. RD Legal, 17-cv-00890-LAP (S.D.N.Y.)

Dear Judge Preska:

Thank you for the opportunity to respond to the November 3, 2022 correspondence from RD Legal's counsel requesting an Order that non party Christopher LoPalo appear for a deposition.

Mr. LoPalo moved to Puerto Rico over a year ago where he has lived and worked ever since. Accordingly, it did not constitute effective service under New York law when RD Legal delivered a copy of a subpoena to the New York office of Mr. LoPalo's employer. Nevertheless, to avoid the continued expenses associated with insisting on valid service prior to appearing for a deposition in this matter, Mr. LoPalo has agreed to appear for a deposition to be conducted remotely by zoom on a mutually agreeable date and time. Mr. LoPalo has offered to sit for a deposition on December 1, 2022 between 2:00 and 4:00 pm, or on December 2, 2022, between 10:00 am – 12:00 pm, and has agreed to work with counsel for RD Legal with respect to any scheduling issues.

Accordingly, we respectfully request that RD Legal's letter motion be denied as moot at this time. Please do not hesitate to contact me should the Court have any questions regarding the foregoing. Thank You for Your consideration of this matter.

Respectfully submitted:

**OFFIT KURMAN**

/s/ Queen Ndukwe

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*Page 2*

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cc: Counsel of record (via ECF)

4870-2861-4718, v. 1